

50 Page ID #125
Please File

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS.**

SCOTT JENKINS,
plaintiff,

Vs.

MICHAEL MCHANAY,
KIMBERLY KOESTER,
DOUGLAS JARMAN,
JOHN J. FLOOD,
STATE OF ILLINOIS,
KATHY EMERICK FAYETTE COUNTY CIRCUIT CLERK,
SHERRI GADD,
FAYETTE COUNTY COURT / FAYETTE COUNTY,
DAVE CATES and CATES LAW FIRM,
JOSEPH BLEYERS and BLEYERS LAW FIRM
FIRST VANDALIA CORP., d/b/a
FIRST NATIONAL BANK OF VANDALIA,
WILLIAM ERNEST CHAPPEL ESTATE,
THE CITY OF VANDALIA,
JACK JOHNSTON and JOHNSTON LAW FIRM,
defendants.

No. 3:22-CV-2128-DWD

SECOND AMMENDED COMPLAINT.

COMES NOW Plaintiff Scott Jenkins pro se and state the following:

Monetary filing fees / Mistitling Issue.

Maybe it's improper to address or contain filing fees and issues within a Complaint, may be better served limiting to discussions with this Court's Clerk's Office, but I was instructed to alert this Court by its Clerk's Office, and it also shows I'm doing my best to move my Case forward, in spite of a series of errors and mistakes by this Court regarding filing and fees, compounded by my lack of pro se legal understanding regarding internal filing and fee collection processes of this Court. The pro se handbook does not explain how to address such.

In my most recent filing before Judge Yandle within this Court I was instructed to pay in excess of \$400 in filing fees, which I did on my filing day in person via my debit Card. I was also not sure how to Title

my pleading. Even though I had no way of changing my pleading titling or structure in person before the Clerk, she had me fill out a Cover sheet which would at least get my Case filed properly, which it did, as a Federal Question, and is stated as such within this Court's Record.

The last mailing I received from this Court regarding this most recent filing, prior to Judge Yandle's refusal letter to accept my Reconsideration Motion, stated I owed yet another \$400 in fees. By the time I received the mailing, the deadline to pay the fees or my Case would be Closed date had passed. I immediately filed an objection to closing my Case, proving to this Court I felt I had paid enough fees. Then only by way of a Judici Notification, I learned this Court closed my Circuit Case, and couldn't figure out why my State Case had been Closed for not paying enough Federal fees.

This prompted me to make yet another physical appearance at my first opportunity in East Saint Louis to discuss the matter with the Clerk. The Clerk was very polite and helpful, although a bit confused in reviewing on her computer, she did her best to explain what happened in regards to this Court, but made it clear she couldn't speak for my State Court. She explained, and admitted, they did in fact receive sufficient fees the day I filed the Case, admitted they did close my Case, admitted that although they mailed me a notification my Case was closed for not paying fees, no mailing notification was ever sent stating I had paid enough fees, said she had no way to give me any money back, nor could she open it.

She acknowledged my fee objection was filed, and said she felt it was all a titling interpretation error by the Court since the Case definitely was filed as a Federal Question, not a removal Action, but it seemed as if the Court still interpreted it that way, possibly because the Defense made a mistake by asking a Federal Question Case to be remanded, which is really not an Option.

She advised me to re-file, she would make sure the Court is clear this time it's not a Removal, but a Federal Question Case, and I should request fees be waived.

This is what these pleadings represent. I present before this Honorable Court now.

Beginning of Complaint Subject Matter.

1. Michael McHaney, Due Process Violation, Fraud Rico Act.

1.1. In his role as an Illinois Judge Michael McHaney, with the purpose to harm,

committed, but not limited to, the following Acts:

- 1.2. Impounded Court Documents. intentionally mistitled documents, conspired with the other defendants, and denied my access to my local Circuit Court by ruling me to be held in contempt if I filed anything but a Notice of Appeal within my Circuit Courts.

2. Douglas Jarman, Due Process Violations.

- 2.1. In his role as Fayette County Chief Judge he failed to provide me Transcripts and denied the existence of a November 2018 Hearing. He failed to act when made aware. He violated his ABA Oath of Conduct to make a Court aware of any, or alleged, illegal actions being filed before the Court in which he's an Officer or serves. These actions, or lack of actions, denied my Right to Due Process.

3. Kimberly Koester, Due Process Violations, and Rico Act Violations.

- 3.1. In her role as Fayette County Chief Judge she violated her Judicial Canons by not recusing herself from a Judge Substitution Hearing, failing to Rule, and upholding Michael McHaney's denial of access to my Court rulings. She violated the PC JIMS Official Court Order Entry System of the 4th Circuit by using the words "Court Deems" instead of "Order Entered" triggering a lengthy Appeal. She violated her ABA Oath of Conduct to make a Court aware of any, or alleged, illegal actions being filed before the Court in which she's an Officer or serves. These actions, or lack of actions, denied my Right to Due Process, allowed the Fayette County to be used as an entity to defraud me, a violation of the Federal Rico Act.

4. John Flood, Due Process Violations, and Rico Act Violations.

- 4.1. In his role as Illinois 5th Circuit Appellate Clerk, he violated his duties to accept or acknowledge any of my Appellate filings, alerting my Appellate Court to illegal Record Filings. He violated his ABA Oath of Conduct to make a Court aware of any, or alleged, illegal actions being filed before the Court in which he's an Officer or serves. Based upon filing stamps, he was fully aware of two different Appeal Records being filed, rendering one fraudulent, and the Appellate Court can only rule on one Appeal Record, but failed to Act. These actions or lack of actions denied my Right to Due Process, allowed the Fayette County to be used as an entity to defraud

me, a violation of the Federal Rico Act.

5. The State of Illinois.

- 5.1. In its role as an Employer of named Illinois employed defendants, the State of Illinois failed to Act when made aware;

6. Kathy Emerick, Due Process and Rico Act Violations.

- 6.1. In her role as Fayette County Circuit Clerk failed to abide by the Illinois Circuit Clerk Act, and failed to Act when made aware. She violated her Circuit Clerk Oath of Conduct to make a Court aware of any, or alleged, illegal actions being filed before the Court in which she's an Officer or serves. These actions, or lack of actions, denied my Right to Due Process, allowed the Fayette County to be used as an entity to defraud me, a violation of the Federal Rico Act.

7. Sherri Gadd, Due Process Violations.

- 7.1. In his role as Fayette County Court Reporter she failed to provide me Transcripts in a timely manner and denied me copies of her shorthand raw notes to verify her transcribing. She violated her Illinois Court Reporter's Oath of Conduct as well as to make a Court aware of any, or alleged, illegal actions being filed before the Court in which she's an Officer or serves. These actions denied my Right to Due Process.

8. The Fayette County Court / Fayette County.

- 8.1. In its role as an Employer for the named Fayette County Defendants, the Fayette County Court / Fayette County failed to Act when made aware

9. Dave Cates and the Cates Law Firm Due Process and Rico Act Violations.

- 9.1. Dave Cates and his firm used the Fayette County Court and violated the Illinois e-filing system to conspire with other named defendants to defraud and deny me of my Right to Due Process, a violation of my Civil Rights and the Federal Rico Act.

10. Joseph Bleyers and the Bleyers Law Firm Due Process and Rico Act Violations.

- 10.1. Joseph Bleyers and his firm used the Fayette County Court and violated the Illinois e-filing system to conspire with other named defendants to defraud and deny me of my Right to Due

Process, a violation of my Civil Rights and the Federal Rico Act

11. City of Vandalia, Illinois.

- 11.1. The City of Vandalia, through its Agent Joseph Bleyer committed, but not limited to, the illegal Act of Conspiracy with the Cates Law Firm and Michael McHaney to hide the Hearing and Order dismissing the City from my Fayette County Case, 13-L-10.

12. FNB Bank, Earnest Chappel Estate, Jack Jonston and the Johnston Law Firm.

- 12.1. The above defendants committed, but not limited to, the Illegal Act of Conspiracy by failing to receive my SBA 504 Funds and defrauding me by stating the SBIA had canceled my SBA Loan and it was no longer available to receive the Funds. Only because of the COVID and application of a second PPP loan was I made aware of this wrong committed against me.

13. Allegations and History.

- 13.1. Further details of all, but not limited to, illegal and wrongful Acts committed against me from all the defendants are stated below:
- 13.2. On June 14, 2013, the Cates Law Firm purportedly commenced this action by filing a complaint in the Circuit Court of the Fourth Judicial Circuit, Fayette County, Illinois. Although a Docket Entry, online and within my Appeal Record, states he filed an Appearance in this Case:

The online Case Record:

07/30/2013 Entry of appearance for counsel DAVID CATES for plaintiff/petitioner JENKINS DISPLAYS CO.

UNASSIGNED

The Appeal Record Docket Entry:

07/30/2013 Entry of appearance for counsel DAVID CATES for plaintiff/petitioner JENKINS DISPLAYS CO.

However, no filed Entry Appearance Document exists within either of my Purported Accurate Appeal Records, not the Appeal Record Table of Contents.

As shown below in both purportedly accurate Appeal Record Table of Contents I received, they state three Entry of Appearances, on pages C 153, C 159, and C 166:

| | | |
|------------|--|-----------------|
| 07/19/2013 | ENTRY OF APPEARANCE AND DEMAND FOR JURY-07_19_2013 | ➔ C 153 - C 155 |
| 07/19/2013 | MOTION FOR EXTENSION OF TIME-07_19_2013 | ➔ C 156 - C 157 |
| 07/23/2013 | ORDER ENTERED-07_23_2013 | C 158 - C 158 |
| 07/29/2013 | ENTRY OF APPEARANCE AND JURY DEMAND-07_29_2013 | ➔ C 159 - C 161 |
| 07/29/2013 | MOTION FOR EXTENSION OF TIME-07_29_2013 | C 162 - C 164 |
| 07/29/2013 | ORDER ENTERED-07_29_2013 | C 165 - C 165 |
| 08/06/2013 | ENTRY OF APPEARANCE AND JURY DEMAND-08_06_2013 | ➔ C 166 - C 168 |
| 08/06/2013 | MOTION FOR EXTENSION OF TIME-08_06_2013 | ➔ C 169 - C 170 |

13.3. However, on none of those pages, nor does any Entry of Appearance Document exist within the Appeal Record for the Cates Law Firm.

13.4. Also, nowhere within the Judici multicourt subscription does it show the Cates Law Firm ever having a Case in Fayette County:

Courtlook

Last Search | Schedule | Case List

| Case Number | Status | Case Type - Subtype | Case Title |
|--|--------|--------------------------------------|------------|
| CATES MAHONEY - Williamson County, IL | | | |
| 2022GR16 | Open | Guardianship - Guardianship of Minor | |
| 2013L82 | Closed | Law (L) | |
| 2013P75 | Closed | Probate - Estate of Decedents | |
| CATES, DAVID - Jackson County, IL | | | |
| 2022LA48 | Open | Law (Over \$50,000) - Tort-Dmg | |
| 2021L28 | Open | Law (L) - Tort-Dmg | |
| 2020L45 | Open | Law (L) - Tort-Dmg | |
| 2021P44 | Closed | Probate - Guardianship/Minor | |
| 2019L93 | Closed | Law (L) - Tort-Dmg | |
| 2018L77 | Closed | Law (L) - Wrongful Death | |
| CATES, DAVID - Williamson County, IL | | | |
| 2022LA14 | Open | Law (Over \$50,000) - Contract-Dmg | |
| 2022LA33 | Open | Law (Over \$50,000) - Contract-Dmg | |
| 2022LA77 | Open | Law (Over \$50,000) - Tort-Dmg | |
| 2022LA8 | Open | Law (Over \$50,000) - Tort-Dmg | |
| 2021P90 | Open | Probate - Guardianship/Minor | |
| 2021L137 | Closed | Law (L) - Tort-Dmg | |
| 2018L104 | Closed | Law (L) - Tort-Dmg | |

The Judii Courtlook Subscription pulls its information from the 80 Counties that use the PC JIMS Software, using software languages, but not limited to, MY SQL and HTML, and if any Entry of Appearance existed within Fayette County for Dave Cates or the Cates Law Firm, it would be presented as above, All the other Defendants are shown using the same Judici Subscription as filing an Appearance within my Case. This is no error, it's a fraud or a crime, which has harmed me. Although I have discussed this issue with the defendant's Attorneys, they all fail to address it. At the very least, their failure to address it only fuels

suspicion, and is a violation of their ABA Oath of Conduct to report an apparent wrong, as an Officer of the Court Case, when made aware. They have all been made aware. The same holds true for my Appellate CLerk's failures when made aware, who is also an Officer of my Court Case, was made aware, and as a licensed Attorney in Illinois, took the same Oath.

Kathy Emerick (Kathy), my Fayette County Circuit Clerk, as well as this Court's Judge Dugan of this Court, is on Record stating the online electronic Record System is an accurate representation of my Case. But yet they both know that is not the Case, and I allege due to Fraud. I allege the motive for removing Cates, or turning him into a "ghost" lawyer within the Appeal Record and Judici Courtlook, removing Cates from ever doing legal business in Fayette County, it somehow allowed him to e-file Defense Counsel Documents, while purportedly assuming a role as a Plaintiff Counsel, but not on Record of being a Plaintiff Counsel. Regardless, this part of the Record must be fixed before the Case can proceed at any level, since legal representation is critical to a Case.

This is yet further proof of Record tampering, a fraudulent Record, and all the above defendants, as well as this Court, has been made aware of illegal Record tampering within my Case and has failed to Act when made aware.

13.5. I have reserved submitting the two purported accurate Appeal Records as exhibits since it would create a tremendous burden on this Court for me to submit it in paper form, over approx, 6,000 pages, and the above proves neither of the Records to be accurate anyway. Any Orders based upon an inaccurate Record should be rendered void, that would include any Orders rendered by my Clrcuit, Appellate, or Federal Courts. The Record must be made accurate first and foremost before any decision can be made.

***** Excuse my deviation from the chronological history order in this pleading, but as a pro se litigant not familiar on how to properly chronologically present my pleadings, I feel it appropriate to present the information below, unknown at the time presented chronologically.

13.6. I have always been a Party to this Case, and the Cates Entry of Appearance clearly shows Cates was never representing me, just in Case its alleged I should have been receiving notifications from the Cates Firm.

- 13.7. I took out a Subscription through Judici.com in order to receive updates in my Case because Dave Cates told me early on he didn't want me requesting copies of his filings regarding my Case from any of his Office personnel. Although unusual, since it was the first time any Attorney I dealt with didn't mail, or at least email me copies of all Case filings, now I know, and it's apparent a purpose existed for me to be kept in the dark.
- 13.8. Due to being admonished by Cates for requesting filings, I chose to receive filing notifications through the Judici Case Subscription Service regarding anything in my Case. This is significant to both my due process and subject matter allegations before this Court, and both were violated when my own Attorney conspired with Judge Mchaney and Joseph Bleyers, according to emails received by my Circuit Clerk's official County Court email client, to hide Hearing Notices from me by submitting Joseph Bleyer's Hearing Notices, the Defense Attorney for the City of Vandalia defendant, under the Cates e-filing account:

Mr. Jenkins,

The items that were secured came to our office through e-filing. The filer, your attorney, marked them as secured. It may have been an accident or he may have had personal reasons for doing so. Either way, none of the secured items had to be kept from public eyes.

Kathy

Just in case my exhibit past is not clear, this is what Kathy sated on the Record using her official County Court email client:

Mr. Jenkins, The items that were secured came to our office though e-filing. The filer, your attorney, marked them as secured. It may have been an accident or he may have had a personal reason for doing so. Either way, none of the secured items had to be kept from public eyes.

- 13.9. While I stood before this Court's Judge Kenneth Meyers in March 2008, along with all the Attorneys involved, I remember the first words he stated: "this thing has a smell to it". Plaintiff Attorney Cates e-filing Defense Attorney Bleyer's Hearing Notices has a smell to it also, and Kathy's email, like Judge Meyer, smells it.makes it clear it has a smell. I allege the smell of a crime, a crime that harmed me.

- 13.10. My Circuit Clerk, Kathy, is correct in the above email stating none of the impounded documents had to be kept from the public eyes, especially regarding the City of Vandalia, a public municipality, in a Civil Case. All proceedings should be presumptively accessible.
- 13.11. *In Citizens First National Bank of Princeton v. Cincinnati Insurance Co., 178 F.3d 943 the 7th Circuit stated: "... the parties to a lawsuit are not the only people who have a legitimate interest in the record compiled in a legal proceeding." The Illinois Supreme Court has also interpreted the "first amendment right of access" as requiring a showing of 'compelling' or similar stringent interest to overcome the constitutional right to review records.*
- 13.12. Only if I felt a need for a copy after receiving a Judici Notice would I go to Kathy, obtain a copy of the filing. I never felt it necessary to inform anyone with Cates I was proceeding that way, and Dave became aware that I was being made aware of the filings in my Case through Judici Notification emails. Several years into the Case at a hearing in which I appeared, Dave asked how I knew about the Hearing, at which time I told him I was subscribed to the Case, and was aware of all Record filings taking place. The fact Dave was unaware before I was receiving filing notices via Judici is significant, since it provides a Motive for Dave e-filing Joe Bleyer's City's Hearing Notices directly to Judge Mchaney's Inbox for impounding, and everything regarding Mchaney's first ruling in my Case, when I could have had him removed as a matter of Right, because impounding escapes the Judici Notification System. At least Bleyers, Cates, and Mchaney desired to keep me in the dark. Kathy was unaware of this in her email, this is why she's confused for the reason they all had in keeping me out of the loop. Regardless, her email proves she didn't feel something was proper, and according to in person meetings I had with other Circuit Clerks of the 4th Circuit, they would have been taking further action regarding such suspicious activity, at least they claim today when presented with the evidence they would.

***** Below my pleading resumes chronologically:

- 13.13. December 5, 2013, the Circuit Court of Fayette County entered an Order granting my Corporate Lawyer Dave Cates leave to file a First Amended Complaint.
- 13.14. The First Amended Complaint among other things, added claims against these Defendants pursuant to 42 U.S.C. § 1983. It stated Plaintiffs seek damages for an alleged violation of

their Constitutional due process rights under 42 U.S.C. § 1983. Counts XXVIII, XIX and XXX, which were not alleged in the original complaint.

- 13.15. After a year this Court sent my Case back to Fayette County stating the State Court was capable of providing a fair forum for litigating my Case. This Court's Judge Reagan did so in the belief my Fayette County Court was maintaining an accurate record, no illegal activities were taking place, and all parties would be afforded their Constitutional Rights, especially Due Process. It must be assumed Judge Reagan would not have remanded the Case if aware of the evidence before this Court now.
- 13.16. I tried to bring my Case back to this Court in the Spring of 2021 when I learned of corruption within my Fayette County Court, but this Court ruled it had no jurisdiction because once a Case is remanded back to the State Court, it can't be brought back to the Federal Court, and would need to have a new Case established.
- 13.17. Following that ruling, I opened a new Case, but could only address corruption issues, since the Subject Matter of my Case was "stayed" waiting on a ruling from my Illinois Appellate Court. Although I proved the existence of an Illegal Court Record, and this Court never disagreed with me, this Court dismissed that Case ruling my Fayette County Court could only be named as a Defendant in its role as an employer regarding an illegal Court Record. I disagreed with that Ruling based on the fact that Illinois Law states my Fayette County Court is required to maintain an accurate Record, and it can only do so with record keeping employees, rendering it an employer defendant. I didn't feel the lack of a defendant Fayette County employee negated the fact that my Fayette County Court defendant is an employer of a record keeping employee who failed to maintain an accurate record, and it was made aware and failed to act through the same record keeping employees.

- 13.18. After a year of consideration, this Court never challenged the subject matter in that Case, the same subject matter in part contained within this document, never challenged jurisdiction, never challenged my Right to appear, therefore this Court has already assumed jurisdiction and none of the contained Subject Matter of this Case has been litigated in any Court.
- 13.19. On April 1, 2022, my Illinois Appellate Court agreed with me that my Case was never closed. This was in complete contrast to what my defense adversaries and Judge McHaney stated within an Order resulting from a May 2020 illegal telephone hearing I objected to. This is significant, because it creates circumstantial evidence and supporting allegations that the defense Attorneys in my Case had a motive, conspired to “hack” the online Record, fraudulently misrepresent the fact that no Order existed ending my Case, something any Attorney would know that a case is not over until all Motions are disposed of.
- Judge Mchaney knew my Case wasn’t over when he illegally and egregiously kept trying to force me to appear before him in violation of Closure Laws and Supreme Court Rules regarding Remote hearings.
- 13.20. Kathy, my Circuit Clerk knew my Case wasn’t over when she told me to look for the word “order entered” regarding the January 30th, two words required by PC JIMS software to end my Case.
- 13.21. But not only did their fraudulent misrepresentation continue, they conspired to have the online Docket “hacked”, printed, stamped by my Circuit CLerk, and tried to argue that it was an Order ending my Case. The evidence to back these serious allegations of fraud, “hacking”, and misrepresentation, is contained within the “hacked” docket entry itself, the use of two significant words, “Court Deems” in their “hacked” docket print out, disguised as an Order ending my Case.
- 13.22. My Circuit Clerk, Chief Judge Koester, Corporate Appellate Attorney, my Appellate Court

knew, as well as Judge Mchaney, all knew my Case was still ongoing.

- 13.23. Proof Judge Mchaney knew my Case was not closed is evidenced by the fact he scheduled a hearing to hear my Motions. If he truly believed he had no jurisdiction to rule, as his Order stated, he would not have scheduled a Hearing for them. He specifically posted in the docket, "Hearing on all pending Motions":

05/19/2020 ZOOM MEETING ATTEMPTED AND FAILED; HEARING ON ALL PENDING MOTIONS BY TELECONFERENCE NOW SET MAY 21, 2020 AT 9AM. MDM
DOCKET ENTRY TO ATTYS/PARTIES OF RECORD; DEF ATTY TO SUBMIT NOTICE OF HEARING AND SHALL PROVIDE CALL IN/PASSWORD
INFO.

- 13.24. The Transcript from that telephone hearing clearly states Judge Mchaney instructed the defense to draft an Order to end everything. But instead of following Judge Mchaney's directions, the defense drafted an Order stating my Fayette County Court no longer had jurisdiction in my Case by claiming my Case was closed on January 30th, 2020, and the Court lost jurisdiction on my Case when I was 10 days too late filing a Motion Chief Judge Koester told me I could do, and gave no deadline to do so. To this day, only Ann Barron, Jerry McDonald, and shorthand reporter have ever stated my Case was closed on January 30th, 2020. Ann Barron and Jerry McDonald violated Judge Mchaney's directions to draft an Order ending the Case on May 21st, 2020 by instead drafting an Order that stated the Case was closed on January 30th, 2020.
- 13.25. Then last May I tried to remove the Case by opening a new Case, but was told by Judge Yandle I could not do so as a Plaintiff, and remanded it back to my Fayette County Court.
- 13.26. Absent any final Order closing the Case in my Circuit Court I was aware of, Kathy closed the Case, assumedly upon the direction of Judge Yandle. Whether proper or not for Kathy to do

so, I had no choice but to file a Notice of Appeal. While waiting on a decision from my Appellate Court, McHaney stepped into the shoes of the Appellate Court and ruled my Notice of Appeal Void, and my Circuit Case should continue.

13.27. As a pro se litigant, I don't believe a Circuit Judge can make an Appellate Court ruling. I have requested clarification, but at this time have not yet received any. It would be contradictory for me to rely on clarification from McHaney while alleging he lost jurisdictional authority when committing a crime in November 2018 of which he's afforded no immunity for intentionally mistitleing his purported Order document an Offer by illegally using the PC JIMS Software to allow for impounding it, two Hearing Notices, and anything else regarding that critical November Hearing which myself and the Public has been kept in the dark on.

13.28. I have been told by those familiar with Appellate Law, only my Appellate Court has Jurisdiction to Rule once a Notice of Appeal has been filed, and the Record clearly states I filed a proper Notice of Appeal on a FInal Order closing the Case. If it was an error, then only the Appellate Court can rule to correct it. Therefore I consider my Fayette Case stayed until a decision can be rendered deciding the matter currently before by my Appellate Court.

13.29. However since the allegations contained within are separate from my stayed Circuit Case, I feel I can proceed within this Court on any matters not before my Circuit Court, and due to a standing Order from McHaney stating I'm prohibited from filing anything within my Circuit Court, backed up by Chief Judge Koester's January 2020 Ruling, this Court is my only possible Venue to proceed.

14. Jurisdiction.

14.1. This Court possesses subject matter jurisdiction over this action because it already established jurisdiction in regards to the same subject matter, involving the same parties, and for the same

reasons, all related. This was done last Spring before Magistrate Judge Beatty under Case No. 21-cv-00434-MAB. Although Judge Beatty dismissed that Case, it was not dismissed for lack of jurisdiction, but because the only defendant I named when filing was my Fayette Circuit Court. Judge Beatty stated my Fayette County Court could only be named as a defendant in its role as an employer that fails to Act when made aware, and Judge Mchaney is a State employee, not a County Court employee. While I never named my Fayette Court Clerk, I've asked Judge Beatty to reconsider that ruling since he doesn't deny the existence of two different Appeal Records, rendering one inaccurate. Only one was ever paid for, and my County Court is required to employ an accurate Record keeper, employ a cashier to collect its money, all under the authority of my Court Clerk.

- 14.2. Judge Dugan believed my County's online Record, Judici.com, is an accurate representation of my County Court's Record when he was referring to Judici.com. Anyone can go online, look at my County's Record, and determine it to be inaccurate because the online Record indicates two different filed Appeal Records and only one paid for, proving just one of many Record frauds I have suffered harm from.
- 14.3. It would be a conflict for the same Court I've proven to be guilty of not maintaining an accurate Record and failing to Act, to be the proper Court to litigate my Case going forward. My Appellate Court has ruled it has no Jurisdiction. Therefore this is the only Court available to me.
- 14.4. Not only does my original complaint contain Constitutional Right violations as originally stated when the defense removed this Case, I now allege numerous more Constitutional violation issues, numerous due process claims as a result of corruption by identified and unidentified perpetrators regarding the Record, transcripts, and docket entries.
- 14.5. Neither my County or Appellate Court has taken any actions when made aware. Inaction also exists from Officers of the Court, all required to Act when made aware of wrongs committed during a Case they are involved in. In my Case this would include my Circuit and Appellate Clerks, my Chief Judges, my Court Reporters, all Attorneys of Record, my Attorney General in its role as defense Counsel for my County Court before Judge Beatty, and my Judges at the

Circuit, Appellate, and Supreme Court level, all which I have appeared before but all failed to Act when made aware.

JURISDICTION BASED ON CONSTITUTIONAL ISSUES.

15. Judge McHaney refused me access to my Marion County Court.

- 15.1. In September 2018 I first appeared before Judge Mchaney pro se in an unrelated Case. This resulted in the defense requesting a hearing because I filed a Motion to Construe on an Order issued by Marion County Judge Stedlin, the presiding Judge in that Case. I learned about a Motion to Construe from this Court's Judge Kenneth Myers RIP, ruling in my favor from a Motion to Construe in March 2008 which resulted in Judge Meyers changing his March 2006 Order to benefit my Corporation as a creditor in a bankruptcy Case. While premature and not necessary to support this removal action, Judge Meyers' Order granting my Motion to Construe is relevant. It supports my allegations of due process violations by Judge Mchaey, denying me court access for filing a Motion to Construe and agreeing with my adversary there was no such thing as a Motion to Construe. But Judge Meyers' Construe Order is also relevant to this Case to establish in part a motive for the defendant's actions.
- 15.2. Instead of Judge Stedlin presiding, the Judge assigned to my Marion Case, Judge Mchaney appeared. This was the first time I ever met Judge Mchaney, and there was no reason for Judge Mchaney to replace assigned Marion County Judge Stedlin. When I asked if I could file a Motion to Reconsider, since the Hearing was taking place under the wrong Case number, a legitimate purposes for Reconsideration, this is how Judge McHaney ruled and responded to my request:

THE COURT: But for now, if he files anything in 162, he's in indirect criminal contempt.

MS. SMITH: Okay.

THE COURT: Period.

MS. SMITH: Okay. Thank you.

THE COURT: Okay.

MR. JENKINS: Can I -- I can't file a motion to reconsider in 162?

THE COURT: Oh, sure you can.

MR. JENKINS: Okay.

THE COURT: You file it all you want, and I'm going to throw you in jail.

- 15.3. Unbeknownst to myself or anyone else, Judge Mchaney had assigned himself to this Case,

hiding it by not revealing his name in the docket entry, and using a different PC JIMS Account evidenced by using different Initials for his name. The online Record or Judici notification gave no indication Judge McHaney had replaced Judge Becker, the assigned Judge, then assigned himself.

- 15.4. In November 2018, just a few weeks after threatening to "throw me in jail" over a Motion to Construe, Judge Mchaney made his first major ruling in my Case. If I would have known he was assigned to my Case I could have initiated my first request for a new Judge as a Matter of Right. Any reasonable minded person after being threatened with Jail for asking to file a Motion to Reconsider, would not want Judge Mchaney as a Judge on any Case, let alone one worth 7 million dollars.
- 15.5. It was illegal, a breach of Chief Judge duties, and a violation of Judicial Canons for Judge Mchaney to remove non biased Judge Becker and assign himself to my Case. Any reasonable minded person would conclude him to be biased through numerous actions and associations with defendant stockholder Judge Gene Schwarm, as well as intentionally Record hiding using a different PC JIMS Account and improper docket entry stating simply "assignment Order". No evidence of Judge Becker being removed or Judge Mchaney becoming the new Judge in my Case. This is in complete contrast regarding any other docket entry in my Case regarding Judge Assignments, or for that matter any Judge assignment in any docket entry, since the Public has the right to know via the online Record which Judge is assigned to any Case. Only if there was a need to keep it secret would a docket entry regarding the replacement of a Judge absent displaying the Judge's names.
- 15.6. Judge Mchaney intentionally hiding himself from the Record as being assigned to my Case worked, I had no idea he was the Judge in my Case until several months after he dismissed the City of Vandalia in secret. These intentional actions of hiding online Record entries, or tampering denied my due process Right to have Judge Mchaney removed as a Matter of Right.
- 15.7. No evidence of a Hearing ever taking place in my Court dismissing the City of Vandalia exists

to this day. It wasn't until December 2020, two years later, did I learn through the revealing of Impounded Hearing Notices a hearing was scheduled to take place, not in my Court, but Salem County Court.

- 15.8. I have never received a requested transcript when I learned about a purported ex parte Hearing ever taking place, rendering an Order that to this day is has not been entered into the Record properly, nor is it displayed as part of the on-line Public Record. While there seems to be a purported Order, since it was only entered as a Docket Entry, intentionally entered as an "Offer", an option not available within the official adopted online Record keeping system by the 4th Circuit Court of Illinois, Michael Mchaney committed a crime to defraud me and others, and is offered no immunity as an Illinois Judge for such a crime.
- 15.9. The Public has been told by way of my Circuit Clerk's web page the online Record can be relied on as a way to be aware of Judicial activities within their County Court. Since no Order dismissing the City exists within the on-line Record, this Court's Judge Dugan used the on-line Docket as accurate, Kathy has stated, evidenced within email evidence and her website, the online Judici Record is an accurate representation of my Case Record. If so then City of Vandalia is still a defendant in my Case, because no Order exists within the online Record dismissing the City of Vandalia from my Case.

16. Due Process, Public Record Tampering, Fraud, and Rico Act Crimes.

- 16.1. Although subscribed to the Judici Case notification service, I wasn't aware of all filings, due to Plaintiff's Attorney Dave Cates e-filing the City's Defense Attorney Joe Bleyer's Hearing Notice filings directly to Judge McHaney's PC JIMS for Judges Inbox, bypassing my Circuit Clerk's PC JIMS for Courts Inbox.
- 16.2. Judge Mchaney intentionally bypassed the only legal PC JIMS Ruling entering method, entered the purported Order as an Offer using the Docket Entry PC JIMS method, then was able to impound the Offer, as well as all the Hearing Notice filings, which kept anyone unaware except for Dave Cates, Joseph Bleyers, Judge Mchaney, and Circuit Clerk Emerick regarding anything about the November Hearing. But most important, it kept me in the dark, a Party to

the Case, and prevented me from having Judge McHaney removed from the Case.

- 16.3. Further, because McHaney did so with the purpose to harm a Party to the Case, and would have resulted in his immediate removal from the Bench and my Case, all subsequent Orders he has made or Void.
- 16.4. Only because I received a copy of the impounded documents by mistake from my Circuit Clerk, as part of my Appeal Record, was I made aware.
- 16.5. The Judici Case Notification service doesn't send notifications regarding impounded filings, nor do impounded filings show up within the my Court's online Case Record maintained by Judici, they simply say "impounded" at the referenced date. This is important and provides the need for McHaney to go beyond and afford Illinois Judicial immunity and commit numerous Crimes.
- 16.6. While an Order or Judgment Contents may be redacted, Orders and Judgments entered properly into the ONLY officially adopted record keeping system by the 4th Circuit will still show up and generate Judici Notifications. McHaney, being a Public Defender and Judge for two decades using the PC JIMS Software, was very aware of this.
- 16.7. McHaney in his role as an Illinois Judge knew he had to title his Order as an Offer, bypass the legal PC JIMS way of entering it, and entered it as an "Offer" using the Docket Entry System, which doesn't count as a properly entered Order in the 4th Illinois Circuit Court, rendering it Void or non existent.

17. The Appeal Record Proves the Crime.

- 17.1. The fact that a purported Order shows up in the PC JIMS software generated Appeal Record Table of Contents as an Offer, proves the Crimes of Record Tampering, Fraud, Due Process Violations, Illinois Sunshine Law Violations, and possibly many more I am unaware of as a Pro Se litigant.
- 17.2. Only because my Circuit Clerk mistakenly sent me copies of the impounded documents, since impounded documents aren't allowed to leave either Circuit or Appellate Clerk's Office by e-mail or any other way without a Court Order, was I or could anyone ever be made aware. I

- was ignored by my Appellate Court when I tried repeatedly to make it aware. For a Circuit Clerk to release Impounded documents to an unaware Party or allow them to fall into Public hands, would defeat the purpose of impounding them in the first place. Especially if impounded documents were emailed to a Party that never submitted them for impounding.
- 17.3. Only the Party who created the impounded documents and the Court would have a right to have a copy of an impounded document. Neither I nor my Corporate Attorney Dave Cates created the impounded documents, therefore it was a mistake for me to receive copies of the impounded documents, certainly absent any request by me and a required Court Order to release the impounded documents to me.
- 17.4. Although the on-line Docket states an Order is to be submitted by the City's defense Counsel, no Hearing Notices or Order exists dismissing the City of Vandalia from my Case within any Public Record, online, or Appeal Record. Therefore the City is still a defendant, and any hidden Order dismissing the City is Void, especially an Order involving a Public Municipality which requires City issues to be available for Public examination. Even a FOIA request would not have rendered a Copy of the Order dismissing the City of Vandalia from a huge and significant lawsuit. In fact no City Official ever received a copy of the impounded Order dismissing the City from this Case, since if they did they would have had to make it Public, and there's no evidence that ever took place. This is a significant violation of many Illinois Laws, specifically municipal transparency laws, and can't be overlooked as a minimus issue because it involved a potential multi million dollar liability of the City, which certainly the Public has a right to know.
- 17.5. Judge Mchaney, Dave Cates, and Joseph Bleyers, 3 unaffiliated parties, using the Fayette County Court to intentionally violate such laws, constitutes a violation of the Rico Act which renders this Federal Court the proper Court for me to plead my Case.
- 17.6. The defense's Summary Judgment Motion dismissing the remaining defendants in August 2019 uses the Order dismissing the City of Vandalia. Judge Mchaney's illegal act of impounding the Order dismissing the City of Vandalia renders that Order Void, since as a

criminal he had no authority to be issuing Orders, and since the August 2019 Order is based in part upon the voided Order dismissing the City of Vandalia, it renders that Order Void also.

- 17.7. A person or entity can't be bound by an Order intentionally hidden. A hidden Order intentionally impounded not only renders it Void, it constitutes a crime. An illegally impounded Order has no effect, not to me, to my Corporation, to the public, to the Citizens of Vandalia, or to support any subsequent Order. When done intentionally to harm it constitutes a Crime, rendering Mchaney's judicial authority void.
- 17.8. Nobody, most importantly myself, had any way to be aware of Judge Mchaney's crime. I only became aware when I filed my Appeal.
- 17.9. Not being aware of an Order, Hearing, or intentionally denying the transcript of an impounded hearing, denies a Party to the Case, myself, the right to object, appeal, or reference it in any subsequent pleadings, filed or oral. Being intentionally denied access to evidence by a Judge under the color of law is a violation of Due Process.
- 17.10. I scheduled a substitution hearing before my Chief Judge Koester on January 30, 2020. Judge McHaney's impounded key Hearing Notices and Orders in a Civil Case without a Party's knowledge should have been sufficient evidence to warrant granting my Motion for removal of Judge Mchaney, not only from my Case, but from the Illinois Judicial system entirely. But I couldn't present that evidence because I was denied access or knowledge of it, just as the Citizens of the City of Vandalia, Fayette County voters of the 4th Judicial Circuit, and the People of Illinois, Judge Mchnaney's employer, who would have at least terminated his employment if aware.
- 17.11. Hiding key evidence by a Judge from a Party, as well as the Public, regarding a Public Municipality, violates due process, transparency, Public Record Tampering, fraud, and other laws constituting a crime of which no Judicial immunity exists. Such evidence not only warrants the Judge's immediate removal on the underlying Case, and also warrants removal of all his Rulings, since the rulings of a criminal, disguised as a Judge, renders all his rulings void for lack of Judicial authority.

- 17.12. Not only would a litigant be unable to litigate due to documents being illegally impounded and escaping electronic notifications, the harm would be Due Process violations. This Court has jurisdiction over such violations.
- 17.13. The Fayette Court is guilty in its role as an employer when made aware for allowing due process Record violations to exist. Failing to Act when made aware, renders the Fayette County Court a defendant.
- 17.14. The above is also the basis behind my Case which was dismissed by Judge Beatty because I failed to name my Fayette County Court an employer which failed to Act when made aware, even though the same evidence and allegations above were presented. However, until an outstanding Motion to Reconsider is ruled upon by Judge Beatty, stating the above in this pleading is not a res judicata violation, and I'm still allowed to allege to use the above as a reason sporting this Complaint.
- 17.15. The defendant Fayette County Court, guilty of due process Record violations, would be conflicted to assume jurisdiction over any related Record violations. This constitutes and supports my reason before this Court as the proper, and only Court to assume jurisdiction due to this newly discovered evidence this Court was unaware of when Judge Reagan remanded my Case back to the Fayette County Court.
- 17.16. On April 27, 2020, in the Clay County Courthouse, Judge Mchaney ruled the following:
- "The public has an absolute right to access to the courts and transparency."***
- 17.17. Then supported by his own ruling and Judicial principles, when he impounded Hearing Notices, disguised an Order as an Offer concerning my City of Vandalia, a Public Municipality, in a Civil Case, Mchaney rendered himself guilty of court access and transparency crimes and is not afforded immunity. His statement above, as well as his criminal Acts in my Case, denies him immunity regarding transparency violations.
- 17.18. From the time Judge Mchaney committed the Crime of illegal document impounding, his Judicial authority ceased, rendering all Orders from that time forward void, and he became Mr. McHaney.

- 17.19. There were other concerned parties, parties with both financial and political reasons regarding the City of Vandalia's role in my Case. Any concerned Party is allowed to enter a Case during the pendency of a Case by way of an Interpleader. In this Case no interested party would be aware of any Order involving the City of Vandalia, a Public Municipality. An interested party's due process Right to file an interpleader was violated by Judge Mchhaney, hiding the City of Vandalia's dismissal ruling.
- 17.20. Judge Mchaney's ruling violated transparency laws. He made intentional efforts not only through impounding, but by changing the title of his ruling from "Order" to "Offer" to hide it within the Appeal Record..
- 17.21. He used a different identity when impounding Record documents by way of multiple PC JIMS for Judges Accounts, reflecting different online identity initials, "MM", instead of the required 3 letter initials "MDM" he used normally.
- 17.22. Today no online Order exists dismissing the City of Vandalia from my Case. Actually the online Record states no dispositions has taken place either :

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None

- 17.23. As stated, this Court's Judge Dugan, as part of his Order dismissing my Motion to reopen this Case, referenced the Fayette County online Record, and wouldn't have done so if he felt it not to be accurate. The 4th Circuit, my Circuit Clerk, this Court, and my Appellate Court all have ruled and agree PC JIMS Software and the Electronic Record it creates to be the official method of case management. The Software requires particular actions by Judges, Clerks, etc., and if those actions never happen, the Software won't render Cases closed, render dispositions, etc.
- 17.24. The City of Vandalia, according to the online Record this Court uses for information accurate enough for this Court to base Orders on, shows no reference to an Order dismissing the City. Not in the Record History or disposition sections. If an Order existed dismissing the City, the PC JIMS 4th Circuit adopted Record system would have displayed it automatically in the disposition

"FOR" and "AGAINST" fields, as well as the Table of Contents within the Appeal Record.

17.25. Based upon the evidence, most of which is Public Record, been presented to this Court and my Appellate Court in my pleadings, including but not limited to emails from my Fayette Court, a concerted effort to intentionally hide information by Judge McHaney, the City's Attorney, my Attorney, my Fayette County Court through its Record keeping employees, exist. A crime against the Public, but for the purpose of these pleadings, a fraud against me.

17.26. The public online Record shows no Hearing taking place in 2018:




| Hearings | | | | |
|-------------------------------|------------|------------|----------|----------|
| Type | Date | Time | Judge | Location |
| 10 - Motion hearing | 03/21/2016 | 10:00 A.M. | MCHANNEY | 2 |
| 10 - Motion hearing | 01/25/2017 | 11:00 A.M. | PARKER | 1 |
| 10 - Motion hearing | 04/24/2017 | 9:00 A.M. | PARKER | 2 |
| 4 - Motion/continue | 05/15/2019 | 11:00 A.M. | MCHANNEY | 2 |
| 128 - Motion/summary judgment | 08/19/2019 | 1:30 P.M. | MCHANNEY | 1 |
| 54 - Motion/withdraw | 09/17/2019 | 10:00 A.M. | MCHANNEY | 1 |
| 107 - Motion/sanctions | 09/17/2019 | 10:00 A.M. | MCHANNEY | 1 |
| 107 - Motion/sanctions | 10/11/2019 | 9:00 A.M. | MCHANNEY | 1 |
| 10 - Motion hearing | 11/12/2019 | 10:00 A.M. | SHEAFOR | 1 |
| 107 - Motion/sanctions | 11/25/2019 | 1:00 P.M. | MCHANNEY | 2 |
| 10 - Motion hearing | 01/30/2020 | 10:00 A.M. | KOESTER | 1 |
| 10 - Motion hearing | 05/19/2020 | 9:00 A.M. | MCHANNEY | 1 |
| 89 - Conference call | 05/21/2020 | 9:00 A.M. | MCHANNEY | 1 |

That's because the Hearings and Order from any 2018 Hearing was illegally impounded and preventing anyone, including me, from being aware:

| | | |
|------------|--|------------|
| 11/28/2018 | Jury trial set for 07/22/2019 at 8:30 in courtroom 1. | UNASSIGNED |
| 11/26/2018 | [Impounded] | UNASSIGNED |
| 11/08/2018 | [Impounded] | UNASSIGNED |
| 11/07/2018 | Notice of Hearing filed by CATES, DAVID. Case mgt conf set for 11/13/2018 at 1:00 in courtroom 1. | UNASSIGNED |
| 10/09/2018 | Answer/Response filed by CATES, DAVID. | UNASSIGNED |
| 09/05/2018 | Motion For Case Management Conference filed by CATES, DAVID. Notice of Hearing filed by CATES, DAVID. | UNASSIGNED |
| 08/22/2018 | [Impounded] | UNASSIGNED |

17.27. The September Certified Appeal Record Table of Contents displays what those impounded

dates as part of the online Record represent, two Notice Of Hearings, and one Offer:

| | | |
|------------|---------------------------------------|--|
| 08/22/2018 | NOTICE OF HEARING |  |
| 09/05/2018 | MOTION FOR CASE MANAGEMENT CONFERENCE | |
| 09/05/2018 | NOTICE OF HEARING | |
| 10/09/2018 | ANSWER/RESPONSE | |
| 11/07/2018 | NOTICE OF HEARING | |
| 11/08/2018 | NOTICE OF HEARING |  |
| 11/13/2018 | NOTICE OF RS ENTRY 20181113 | |
| 11/20/2018 | SUPPLEMENTAL | |
| 11/26/2018 | OFFER |  |

Mistitling, Impounding, and bypassing the only legal way to enter Rulings within the 4th Circuit was the criminal method Mchaney chose to dismiss the City of Vandalia from my Case and it caused it to escape the free Public Judici online Record.

17.28. Judici sells different Subscriptions services, for example a Newspaper version. Every day the Vandalia Radio Station announces Judicial information, and every week the Vandalia Leader Union posts Judicial Records. Even though the online Record would hide any reference about the City of Vandalia being dismissed from such a large lawsuit, I allege that a Judici subscription service, a news entity subscription may have shown an Order dismissing the City, and this is why it was intentionally mistitled as "Offer". In a small town friends are quick to tell you about something they heard or read in the local news if they feel it concerns you. This would explain a need to title an Order as an Offer, since Judge Mchaney knew if I was made aware the City had been dismissed from my Case I would have been made aware Judge Mchnaey had secretly assigned himself to my Case, and would have objected to the Order and demanding his removal from the Case as a Matter of Right. This also explains why there is no "For" or "Against" in the disposition information section of the online Record, since no defendant dismissal ever took place within the Software, and the software trump's Judges and Clerks capabilities regarding dispositions and case closings becoming part of the Record:

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Dispositions


None

This is significant and must not be overlooked.

- 17.29. The September Appeal Record shows it was transmitted by my Fayette Clerk on September 23, 2020 at 6:09 PM, but my Fayette County Court Clerk is closed at 4 PM (below). According to County Payroll Reports, no overtime payments were being made to County Clerk employees. 6:09 PM would require overtime payroll. At that time period limited judicial business was occurring within Courts due to COVID related issues.

E-FILED
Transaction ID: 5-20-0176
File Date: 9/23/2020 6:09 PM
John J. Flood, Clerk of the Court
APPELLATE COURT 5TH DISTRICT

Hours:
Except Holidays
Monday - Friday
8 a.m. - 4 p.m.



- 17.30. I, as a litigant and Vandalia Citizen, as well as numerous other interested parties, and the Public in general, all have had our due process Rights violated by the above named perpetrators, supporting further this Court to be the proper, as well as only Venue, afforded to me. This Court is afforded Jurisdiction to compensate any Victim of Constitutional Right violations, and regarding intentional Record illegal actions, this Court can apply Illinois victim compensation Statutes, such as but not limited to, Section 5 of the Illinois Public Record Tampering Law.

18. An Order creates law.

- 18.1. An Order creates Law, and the Constitution is not elastic, and clearly states no person can be expected to abide by, or found guilty of violating a Law he was never aware of, or could not reasonably have been aware, especially an Order intentionally hidden.
- 18.2. Judge Dugan referenced, and I'm aware from experience, that asking this Court to relitigate State Court matters would be a violation of the Rooker Feldman Doctrine. But an Order that

is void due to illegal impounding, intentionally hiding, would not constitute a violation of the Doctrine. My Case was in my Appeal Court, I had been denied access to my Fayette Court Case illegal impounded evidence, and only made aware after I had received impounded documents from Kathy in December 2020, long after my Case was stayed at the Circuit Level by way of my Appeal Notice in June. I couldn't withdraw my Appeal and obtain any afforded action from my Fayette County Court, not because it had no jurisdiction, but because I was under an unconstitutional Order prohibiting me access to my Fayette Court, which I'm still subjected to at this time. An Order issued in violation of Due Process Rights and evidence rules, whether intentional or not, is void.

- 18.3. A Judge is an Officer of the Court and is afforded no immunity for committing a crime, State or Federal. Not only for all the illegal Acts named above, Judge Mchaney's May 20th, 2020 telephone hearing violated both State, Supreme and Circuit Court COVID Laws. He is afforded no Judicial immunity and he's on Record waving any afforded Judicial Immunity regarding COVID violations during his April 27, 2020 Clay County Courthouse when he stated the following:

THE COURT: All right. We've got some preliminary matters before we begin. First, obviously the public is in this courtroom. To the extent that that could be viewed as contravention of our Administrative Order governing the Fourth Circuit or a violation of the Governor's stay-at-home order, I and I alone take full responsibility for any ramifications for either of those.

- 18.4. The Covid laws were in place when he illegally scheduled a telephone hearing, so he was fully aware he was violating the law and assumed full responsibility for doing so.
- 18.5. My Chief Judge, Koester, backed up Judge Mchaney's Contempt rulings applicable beyond this Case, when she stated he could hold me in contempt in "any Case any Court". Chief Judge Koester's desire to support Judge Mchaney supports further my need for requesting this Court's jurisdiction as the only afforded Court to litigate my Case.
- 18.6. The City's Attorney, Joseph Bleyer, is responsible as a conspirator for the Impounded Order, since it was his illegally impounded Hearing Notices which resulted in Judge Mchaney's Illegally Impounded Order dismissing the City of Vandalia.

- 18.7. My Circuit Clerk, Kathy Emerick, has reiterated through emails that Defense Attorney Joseph Bleyer's City of Vandalia pleadings were e-filed by my Plaintiff Corporate Attorney Dave Cates, which would render both them and their firms co-conspirators in this matter. Anything either of them did in this Case after filing those documents illegally would be void also.
- 18.8. Again, my Circuit Clerk Kathy makes it clear, Defense Attorney Joseph Bleyer never e-filed his Hearing Notices, purported Plaintiff Attorney Dave Cates did, and they both requested and knew they were impounded by Judge Mchaney, heard in a different Venue, Marion County, absent any Change of Venue Notice. Even if I, or anyone else with the Public, would have known a private ex-parte Hearing was to take place in Marion County vs my Fayette County Courthouse, nobody would have known where to go, logically ending up at the Fayette County County Courthouse 30 miles away, wondering where everyone was.
- 18.9. Further, I couldn't object, since the e-file system would have prevented such. No option exists to e-file Fayette County pleadings with the Marion County Clerk, and no option is available to schedule Marion County Hearings through the Fayette County Clerk. All the above constitutes due process violations and corruption within my Court and my need for this Court to litigate

Judge McHaney's 4th Circuit Court Rulings in my Fayette County Court.

- 18.10. Although Chief Judge Gene Schwarm recused himself early on as husband to board member and large defendant stock holder, Judge McHaney assigned himself to my Case and hid the Action.
- 18.11. Judge McHaney was appointed in part by Chief Judge Schwarm who was his Mentor Judge for the first two years of his appointment as Associate Judge. Judge McHaney received above 90 percent affirmations from Appellate Judge Svwarm compared to a much lower rate from other Appellate Judges. Judge Schwarm selected Judge Mchaney as his retirement party host at which he stated he owes everything to Judge Schwarm in his role as a Judge.
- 18.12. The Judicial Canons state clearly a Judge should recuse himself if even a slight bias reference exists. Instead of recusing himself, Judge Mchaney assigns himself to defendant Judge

Schwarm's Case as major stockholder, steps into the Jury's shoes, and uses a tool to dispose of frivolous lawsuits to deny my due process Right to a Jury. Summary Judgment dismissal to end 7 years of litigation stating I should have known what a key witness didn't know. A Closure Order in the name of the Mayor, a key piece of evidence triggering 7 years of litigation by highly qualified Law firms, is certainly not frivolous. That's a due process violation of my Right before a Jury of my peers.

- 18.13. On September 17th, 2019 I appeared before Judge Mchaney due to my Corporate Attorney Dave Cates Motion to withdraw. This made no sense, that an Attorney who spent 7 years litigation a Case on contingency, tells me Judge Mchaney is not allowed to decide a matter of fact, but resigns and refuses to file an Appeal leaving me in a lurch.
- 18.14. I found it strange Cates was abandoning me, it wasn't that I was objecting to. I was objecting to him withdrawing because the defense had filed a Motion for Sanctions regarding bad faith pleadings, and all pleadings in this Case belonged to Cates. I felt it unfair that he should be allowed to escape liability and not answer for his purported bad faith pleadings, leaving me holding the bag for his purported wrongful Acts. I properly filed my Objection using the e-file system, then appeared at the Hearing on September 17th, 2019.

This is how I was ignored and denied my due process Rights to be heard by Judge Mchaney at that Hearing:

THE COURT: Okay. You got an order? MR. CATES: I do have a proposed order.

MR. SCOTT: I have an objection to him withdrawing on file. THE COURT: This is your client, right?

MR. CATES: It is, Your Honor.

THE COURT: Over your objection I'm going to let MR. CATES: Thank you, Your Honor.

THE COURT: Plaintiff with attorney, defendants by attorneys. Plaintiff attorney motion to withdraw granted over plaintiff's objection. Order entered. Motion for sanctions to be reset after 21 days to determine if plaintiff will hire new counsel or proceed prose.

MS. BARRON: Shall we contact the clerk's office and get the next day you're over here after that? THE COURT: Right. Okay.

MR. SCOTT: I can't be heard on any of these matters? THE COURT: The hearing is done. We're finished.

(Note that the Court Reporter refers to me as "Mr. Scott". This is significant. She does so because Judge Mchaney refused to acknowledge my presence, a judicial requirement. All parties are allowed and need to state their presence, give their names. Only because the Court Reporter has known me for the past 40 years, knowing me by first name, do I show up within the transcript. But she only knew me by my first name, and refers to me as Mr. Scott.

Also observe in the transcript how Judge Mchaney specifically uses the words "Ordered Entered", those two words are important to this Case, because they are important to the only Official Adopted Record System of the 4th Circuit, there is no other Option. Transcripts don't reference body language, but when Judge McHaney would use those words at the end of the Hearing, he would raise his hand into the air, swipe from left to right, then make a "poke" gesture as if he was dotting the period behind the words "Order Entered." , not s . These I will discuss below how using anything else supports Record Tampering allegations.)

- 18.15. When I requested to have Judge Mchaney replaced at a January 30th, 2020 hearing before my Chief Judge Koester, explaining Judge Mchaney threatened to have me jailed over a Motion to Construe and requesting to file a Motion to Reconsider because the hearing was scheduled under the wrong Case number. A few months prior to the January 30th hearing before Chief Judge Koester, at the September withdrawal hearing Judge Mchaney refused to even acknowledge my presence, and refused to allow me to state why I felt it wrong for my Attorney to be allowed to withdraw. I specifically asked Judge Koester twice at that hearing whether Judge Mchaney is violating my Due Process Rights by ignoring me. This is what Judge Koester had to say:

MR. JENKINS: I wanted your opinion on when Judge McHaney said I didn't have the right to be heard on the objections.

THE COURT: I'm not giving you any opinion, Mr. Jenkins, on anything a judge may indicate in court. I don't give my opinions out in any case.

- 18.16. After Judge Koester retired, just a few months after she retired, she quickly became Judge McHaney largest if not the only Judicial campaign supporters at the time the public picture below was displayed on Judge Mchaney's public Facebook page, holding and attending campaign fundraisers. This close relationship didn't develop within a month of her retirement, and Judicial Canons state if any reasonable person would perceive the existence of a Bias, the Judge is supposed to realize such and recuse themselves from the Case:

19. Chief Judge Koester was required to rule when requested.

- 19.1. Chief Judge Koester stated in the same Hearing that I would not have to appear before Judge Mchaney in my Fayette County Court because she was assigning him to Clay County as its Resident Judge. In May 2020, from a different County during the COVID, when the Illinois

Supreme Court and Chief Judge Koester ruled all civil matters postponed until further notice, Judge Mchaney ignored all Orders and illegally scheduled a telephone hearing over my repeated objections from Clay County. Chief Judge Koester specifically stated that if a remote Hearing is to take place, it can only be scheduled by my Fayette County Resident Judge. If Judge Mchaney was so determined to conduct a telephone hearing, he should have contacted my Fayette County Resident Judge Schoeffer, which would have never allowed since I was objecting, and at that time all Civil Parties had to agree to a telephone hearing in order for one to take place under Illinois Supreme Court Rule.

- 19.2. In May 2020, Judge Mchaney ruled again that I'm to be held in contempt if I try to file anything in my Case:

THE COURT: I want you and Mr. McDonald to draft an order that ends this totally. Mr. Jenkins is forbidden from filing any further pleadings in either one of these cases unless it's a notice of appeal. If he files it, I will strike it on my own motion, you will not be required to respond to it, and he's subject to being found to be in contempt of court if he persists in filing anything in these cases other than a notice of appeal, and this thing -- these things are done. Does that make sense, attorneys?

20. The Defense obtains a "hacked" Docket Entry.

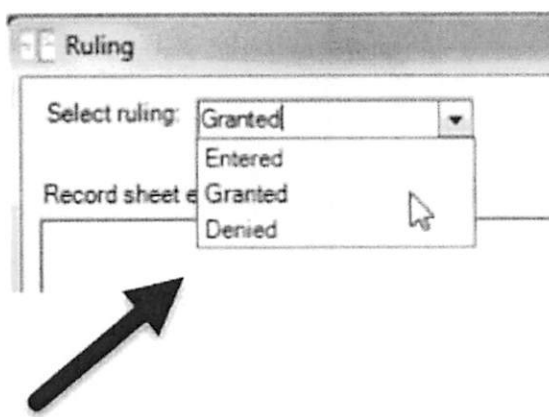
- 20.1. All Judges who use PC JIMS Software know that unless the Software gets the word "Entered" there is no Order. In the PC JIMS for Judges sub module, the Software doesn't allow anything else but "Order Entered" or "Judgment Entered", they're only afforded a drop down box, and the word "entered" is the only option. It's clear the defense was trying to end the Case on January 30h, 2020. However everyone at that hearing knew I still had Motions to be heard, and even as a pro se litigant I knew a Case is not over until all outstanding Motions are heard. It's unlikely a Judge and two seasoned Lawyers would not know also.
- 20.2. Forty days later I e-filed my corrected Motions just as Judge Koester instructed me to. A few weeks later the defense filed a Motion stating I was 10 days past the deadline of filing anything after the Case was closed and final, and requested my filings to be dismissed.
- 20.3. I immediately called Kathy my Clerk, and asked her why she never sent me anything closing the Case. She told me she didn't because there was no Order closing the Case, when I called her the second time she instructed me to go to Judici.com, hit "ctrl f" and search for the words

"ordered entered". Although "order entered" "popped" up numerous times in my Records, it never did during the year 2020, or regarding anything Chief Judge Koester purportedly entered into the docket. According to the Appeal Record Judge Koester didn't create that Docket entry, Sherri Gad did.

- 20.4. In a subsequent Motion, and also by email, I challenged the defense to produce a document stating the Case had been Closed. They produced what I allege to be a "hacked " Court Docket using the words "Court Deems" the Case final and appealable. I had taken a friend with me that day, because by that time I simply didn't trust anything with my Court due to constant unusual Record issues. I was getting numerous notices regarding a past May 19, 2019 Hearing, I had been subscribed to a Case involving a minor and my local school district I never subscribed to, nor does any invoice exist in the Judici online account for a subscription fee to that Case. Judici Case subscriptions have no human intervention, computers don't make such mistakes, computers crash and explode.
- 20.5. At the January 30th, 2020 Hearing before Chief Judge Koester, my friend and I walked into the Courtroom separately at different times, he sat in the front row, and nobody knew he was with me or paying strict attention to what was going on. I knew my Court Record had been changing after the fact, even to the point I would do screen captures of the Record on Judici.com, proving it was changing consistently after the fact, rendering it unreliable. This can be proven by Chief Judge Koester purportedly using the word "deems" as well as the docket entry containing an unusual number of spaces between the word "court" and "deems". I asked my friend if he ever heard Judge Koester declare the Case to be over. He agreed with me, absolutely not, the Judge specifically stated it wasn't over and I was to proceed with my outstanding Motions. Although my friend prepared an affidavit stating such in May, 2020, and would testify in person to back it, Cates failed to make it part of the Record. But since Cates was never my Attorney, I'm allowed to use the Affidavit and my friend as a witness if needed in this Case.
- 20.6. The Defense, and whoever they were able to get to "hack" the docket, were unaware of how PC JIMS software functions work. As Kathy stated over the phone to me, anyone can go to

my Case on Judici.com, hit "ctrl f" under the History tab, and the result will fill a computer screen with the words "entered". Search the word "Deems" and that word will only appear once, in the Docket Entry on January 30th, 2020, as part of the "hacked docket" the defense used to try and claim my Case was over. Judge Koester did not end the Case that day, nor did she ever use the words "Court Deems" as the "hacked" docket the defense obtained reveals.

- 20.7. My Appellate Court stated "sufficient language" didn't exist ending my Case on January 30th, 2020, denying the defense's claim my Case was over and it had no jurisdiction. I believe the Appellate may not have wanted the PC JIMS "secret word" to be known, which I learned only by way of a PC JIMS for Judges software manual I obtained from the Goodin Web Portal. I had made numerous requests for copies of the Software manuals, and felt I had the right to know as a Fayette County tax payer. After all, how is anyone expected to learn the software, an employment application plus for anyone seeking a job with any of the 75 Illinois Counties and two Appellate Courts who use PC JIMS Software.



Note that while Denied is an option here, it is better to deny something by hitting the Reject/Deny button (described next), as that button gives you the option to reject a document for technical reasons or deny an order.

Be sure you've signed the order before you hit Save. If you forgot to do so, you can click Cancel on the Ruling screen and you'll be returned to the document.

Back in the Inbox, you'll note that the status for that item has changed to Completed/Processed.

- 20.8. Goodin and Associates need the critical word "entered" because that's how they earn revenue in subscription revenue from selling Court Data to Credit Bureaus, Newspapers, Law Firms, Legal Databases, etc. The subscribers only care about valid orders which require the word "Entered". The defense and their "hacker" were unaware of that when they hacked the January 30, 2020 Docket and chose to use the word "Deems", then tried to represent that to

be a valid Order ending my Case.

- 20.9. That "secret word" "Entered", or the lack of it, is known in the Software business as a "checksum", an extra security layer, one of the ways to determine if Computer Data has been hacked. Turns out it worked in my Case, since the defense and whoever they obtained to "hack" the Docket didn't know that any 4th Circuit Judge would never end a Case with the word "Deems".
- 20.10. Judge Koester would not have used the words "Court Deems" instead of "Order Entered" as the defense's hacked docket displays. With decades of experience using PC JIMS for Judges Software, Chief Judge Koester would have used the words Order Entered, not Court Deems.

21. Proof of Court Record Crimes.

- 21.1. As stated above "words" are important to PC JIMS Software, and the way particular, and the lack of particular words appear in the PC JIMS Software generated Appeal Record, the Docket, Public online Record proves criminal activity.
- 21.2. Although there are numerous instances of Record crimes within my Fayette Court I'm aware of, and most likely many more I'm not, the most blatant and egregious is McHaney disguising an Order as an Offer, improperly entering it as a Docket entry, then impounding it so nobody would know it existed. This is a disgusting and egregious Act for an elected Judge who advocates transparency every chance he gets, most important his deception of those who gave him his job, the 4th Circuit voters.
- 21.3. As a long time user of the Software, knowing all it's peculiarities, Mchaney's most blatant evidence lies within my Appeal Record Table of Contents, automatically generated by the PC JIMS software A trick only a person would know about if they filed an Appeal, then their Clerk made a mistake, or possibly an intentional "tip" to me, e-mailed an impounded Record which is not supposed to leave her Office, had enough software skills to obtain PC JIMS manuals, and understand MYSQL database and HTML programing language. Mchaney and possibly his Conspirators, knew the chances of all the above occurring was slim to none.
- 21.4. Goodin and Associates, the Company who wrote and maintains the PC JIMS Software makes

the majority of their revenue, according to Internet business profiling companies, by selling Subscriptions to Court Data under their Judici.com division. These subscriptions “thrive” on Search filters which look for specific words in the data being uploaded from 80 of the 120 Illinois Counties who have adopted Goodin Software as their only record keeping system. The terms and conditions of the Goodin Software requires Judges to use it properly, and if used properly, it's impossible for an Order or Judgment to appear within the Record, Docket, my Appeal Record Impounded Table of Contents, etc., as anything but “Order Entered” or “Judgment Entered”. Judge McHaney intentionally and improperly entered an Order, mistitled it as an Offer to allow him to do so, then impounded it to make sure nobody would discover the Crime. Further, his friend, political supporter, friend and Colleague using Mchaney's own words, Judge Koester, would not be saying “Court Deems”, just as my friend's affidavit states.

22. Shorthand Raw Notes.

- 22.1. Just like explaining PC JIMS software, subscriptions, etc, I need to explain “Shorthand Raw Notes”, another way I was “tricked” in my Fayette County Court, who was made aware and failed to act.
- 22.2. The Court Reporter on January 30th, 2020 was not the normal Court reporter, she was a “shorthand” reporter.

I, SHERRI R. GAD, a Certified Shorthand Reporter and Official Court Reporter for the Fourth Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had in the above entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings before the Honorable KIMBERLY KOESTER, Judge of said Court.

(Note the words “shorthand Reporter”. This is significant to this Case.)

- 22.3. Court Reporters transcribe without thinking the meaning of what is being said in order to get speed. They hear words and phrases, and before they can comprehend the understanding, they punch the verbal phrases into their machines. That data goes into an encrypted file, contained within that machine, and they can't change it. It is then uploaded on a periodic schedule to Clerks, secure Data Clouds, etc., but beyond their reach to ever change it. That's why they are required to buy certified transcription machines at costs in excess of \$5,000 instead of using \$300 Walmart laptops. They can't change what they originally punch into those

machines, which gives a layer of security to ensure an accurate transcript.

- 22.4. Before there were machine reporters, the only method was "shorthand" reporters. Sherry Gadd is a shorthand reporter, or at least she claims she was operating as one the day of my Hearing. Shorthand Reporters also do their jobs like robots, but instead of punching keys on a machine, they use symbols put on a piece of paper with a pen that can't be erased or altered. They refer to those symbols on paper as their "steno notes", they are required to send them to the Court, and the Court is required to lock them up in a secured vault.
- 22.5. When I requested the original transcript file from that day, which in Sherry's case would be a copy of her raw shorthand notes, Sherry wasn't replying. This was strange, since not only are they required to reply, this is also a revenue stream for Court Reporters in my Circuit, one way my Court Reporters make money. A litigant pays them directly for their work, so why wasn't Sherry wanting money? When somebody ignores you, especially a person who's required to respond, it's evidence of them hiding something, even more so when they don't want money.
- 22.6. Not receiving a response from Sherry, the person I'm required to speak to regarding obtaining transcriptions, I reported the issue to my Chief Judge, who was now Judge Jarman. Below is his response:



STATE OF ILLINOIS
OFFICE OF THE CHIEF JUDGE
FOURTH JUDICIAL CIRCUIT

CHAMBERS OF
DOUGLAS L. JARMAN
CHIEF JUDGE

Jaime S. Warren
Trial Court Administrator
Rebecca A. Schulte
Court Reporter Supervisor

April 6, 2021

COURTHOUSE
221 SOUTH 7TH STREET
VANDALLA, IL 62471
OFFICE 618-283-2030
FAX 618-283-9741

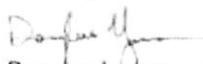
Counties of
Christian, Clay, Clinton
Effingham, Fayette, Jasper
Marion, Montgomery, Shelby

Good Morning Mr. Jenkins:

Your email request to court reporter Shern Gad has been forwarded to this office for response because it contains a somewhat unusual request. You asked at various times for "steno version" or "original steno" or "shorthand steno". It sounds like what you are asking for is the raw notes of the court reporter. The raw notes are the work product of the court reporter, are not the official transcript, and do not get sent out. If you require another copy of the official transcript, please let this office know.

Please send any further inquiries directly to this office. Please keep in mind court reporters cannot provide any legal advice or discussions regarding a case.

Cordially,


Douglas L. Jarman
Chief Judge

22.7. I wasn't asking for Sherry's original steno notes, merely a copy, and Douglas Jarman knew, or should have known with those steno raw notes I could determine further if more Record Tampering took place in regards to the transcript. I never received a response or a copy of the steno notes, just the above letter.

The Illinois Court Reporter law states:

- g) It is the licensee's responsibility to preserve his/her shorthand notes for a period of no less than 10 years from the date the notes or transcripts were taken, except as otherwise prescribed by law, through storage of the original paper notes and/or an electronic copy of either the shorthand notes or the English transcript of the notes on computer disks, cassettes, backup tape systems, optical or laser disk systems, or other retrieval systems available at the time that the notes or transcripts were taken.

22.8. I also asked Judge Jarman why my City of Vandalia Hearing Notices and Order resulting from, were impounded in my Case, keeping me, the Public, and fellow Vandalia Citizens in the dark. No response. I asked Judge Jamen if he could Order me a Transcript regarding the impounded

Hearing, since I had no way of knowing who the Court Reporter was, and all Court Reporters work under the Chief Judge. No response. These are all legitimate requests to my Chief Judge, and a lack of response only creates more suspicion.

- 22.9. The above is sufficient to allege corruption regarding the Docket, and more due process violations, lack of Access to my Court, blocking evidence production like "Sherri Gad's Steno Notes, by my Chief Judge. I have reported this lack of compliance to all my Judicial enforcement agencies, and no response.

23. Activities within My Appellate Court / corruption.

- 23.1. The evidence below sufficiently proves the possibility of corruption regarding my Case, extending to my Appellate Court.
- 23.2. Two Cases were created in my Appellate Court from my one Circuit Case, 0176 and 0177. Case 0177 was assigned to my Appellate Corporate Attorney and Case 0176 was assigned to me. I always alleged my Case was still open, Kathy said so, Judici said so, and most important, PC JIMS Software, the adopted Record keeping method for the 4th Circuit, said so. There was no need for two Cases to be created from one Circuit Case at the Appellate level, and that has never been explained to this day. More astonishing, absent any explanation, my Corporate Attorney under his assigned Case 0177, was being kept in the dark, receiving no mailings, no emails, even though he had filed his appearance and produced all required contact information.
- 23.3. Due to lack of notifications and our belief the Appellate Court was running slow due to COVID issues, our Brief filing deadline was missed by a couple months, and the Appellate Court was ready to dismiss my Appeal. This resulted from a fake Appeal Record filed in September, and no Notices were generated to my Appellate Attorney. We both pointed out the strange creation of two Cases and not receiving proper notices. The Appellate Court extended our Brief filing deadline.
- 23.4. I learned my Corporate Appellate Attorney had never received a September Appeal Record like I had from my Appellate Clerk. He contacted Kathy and complained. She made it clear she never submitted any Appeal Record because I never paid her. He called me immediately to call

Kathy, pay her, and get the Appeal Record filed. I explained it had been filed, I had a copy, and I had tried to pay Kathy 3 times. I assumed when I received an Appeal Record after the 3rd time trying to pay, she filed it and there was no charge. My assumption was wrong.

23.5. I contacted Kathy and told her I needed to pay for my Appeal Record. She said, "what for Scott, your Appeal is dismissed, why do you want to pay me \$624 for nothing?". I explained to Kathy that was not true, my Appeal was still active. She said get me the money via the online payment system and I will email you your filed Appeal Record by the end of the day. I told her I would get her paid, but she need not hurry on doing the Appeal Record, it's already done, I have a copy, and that's why I gave up trying to pay you back in September.

23.6. Kathy reiterated that no Appeal Record ever came from her, or anyone in her Office. But like she promised, I did receive a filed December Appeal Record via email. I assumed it was a duplicate of what I received in September, and Kathy didn't know someone in her Office had filed it. But that was a wrong assumption, nobody in her Office but her had the Authority to file that September Appeal Record, especially absent a \$624 payment, because it's against Illinois Law for any Clerk to perform services absent payment in advance. It would constitute theft if no payment was ever received, especially one as large and expensive as my 2200 pages prepared, certified, and filed Record. This can't happen according to not only Kathy, but Clinton and Marion County Clerks I've spoken to in researching my 4th Circuit PC JIMS Software procedures as well. I've explained all this in complete detail to this Court, contained within my Reconsideration Motion before Magistrate Judge Beatty. According to the Tyler envelope data the September Appeal Record was e-filed from Kathy's Office after 6 PM on September 23rd, 2020, three months before Kathy sent what she's on Record stating was the only Appeal Record sent from my Fayette County Circuit Court.

23.7. To further back up allegations of corruption within my Appellate Court, I need to make this Court aware that once I discovered the existence of a fraudulent Appeal Record on file within my Appellate Court, I filed a flurry of Motions via my e-filing account. I felt my Appellate Court needed to be made aware of this Criminal act of a fraudulent Appeal Records on file, but no

response. I tried to call my Appellate Clerk, told those under him who would answer the phone what I had discovered, they promised he would return my Call and he never did. Not one of my e-filed pleadings ever became part of my Appellate Record, even though they were all accepted. I knew my Appellate Court would be rendering a decision based entirely upon the Appeal Record, but my Appellate Court had two, which one would they use, the December accurate one from Kathy, or the September fraudulent one. To this day, no effort has been made within my Fayette County Court to determine who illegally filed that September 23rd Appeal Record in Kathy's name after 6 PM, never collected \$624 of Fayette County funds, and never deposited them in my County's treasurer's account at the end of September as required by Law. This constitutes a \$624 theft in Kathy's name, but neither Kathy nor her employer, the Fayette County Court, has taken any action to investigate the matter. No money was collected by the Fayette County Court in September of 2020 as stated within the online Record::

2013L10 JENKINS, SCOTT

Last Search | Information | Dispositions | History | Payments | Fines & Fees

| Transaction Type | Payment Type | Check/E-Pay # | Receipt # | Receipt Date | Amount Applied |
|------------------|----------------|---------------|-----------|--------------|----------------|
| Voucher | Personal check | 9246 | 389722 | 06/14/2013 | \$140.00 |
| Bond | Online payment | | 480361 | ➡ 12/21/2020 | ➡ \$624.00 |

- 23.8. If an Appellate Court's decisions are based entirely upon the Appeal Record, why wouldn't my Appellate Court want to know who and how a fake September Appellate Appeal Record showed up in their Court? This supports my allegations of corruption and failure to Act within my Appellate Court, another reason why I must appear before this Court.

JURISDICTION BASED ON SUBJECT MATTER ISSUES.
New evidence constituting fraud upon Federal Agencies which harmed me.

24. Fraud upon Federal Agency Small Business Administration.

- 24.1. Newly obtained evidence I could not have known about until recently, but this Court and this Court is better than my State Court deciding subject matter.
- 24.2. While my Case was stayed in my Appellate Court during the Spring of 2021, I applied for my "second draw" \$9,600, PPP Loan. It was denied because the SBA stated an existing SBA loan existed under my Corporate FEIN number constituting \$550,000 of undistributed funds. The

SBA required all of those to be used before it could disburse any new funds, or establish a new loan. This issue was resolved by the Bank handling my Corporate PPP Loan, it was resolved, I received my 2nd draw PPP Loan. This is relevant to this Case and establishes new evidence and a basis for my Case to be heard to continue within this Court.

- 24.3. My 2005 SBA 504, \$550,000 loan was still open as of the Spring of 2021, waiting on the defendants in this Case to request the \$550,000 in proceeds. To further support their Deed in Lieu Offer, the defendant Bank told me not only was the City closing me down, they wouldn't be receiving the \$550,000 from the SBA to reduce my loan principle because I had failed to complete the project, and the defendant Bank had no interest in renewing it. This constitutes a fraud, and only because of the COVID and PPP Loans could I have known. Just like the City never considered closing my facility, the SBA never considered canceling my loan, and that loan remained open until last Spring when I had to inform the SBA my facility no longer exists.
- 24.4. But this new discovery also revealed another new fraud by the defendants. The SBA Loan required the defendant Bank to send an appraisal before it would send the Bank \$550,000. The \$550,000 was my loan, but the funds went to the Bank, reducing their risk to 1.1 million from 1.6 million but still keeping a 1st Mortgage, with the SBA assuming a second.
- 24.5. From 2005 the Bank was bound by Contracting with the SBA, agreeing to become the participating bank lender, and was required to abide by SBA rules. Submitting an accurate appraisal and requesting the \$550,000 of loan proceeds once my facility was open to the public was a requirement they were required to do, which also helped me.
- 24.6. The Bank defendant, through its President Chappel and Attorney Johnston defendants, defrauded my Fayette County Court, stating no 6 million dollar Appraisal existed:

BENCH TRIAL REPORT OF PROCEEDINGS of the hearing before the Honorable Dennis Middendorff on the 23rd day of January, 2009.

ERNIE CHAPPEL, Having been first duly sworn, was examined and testified as follows:

Q I have one more thing. Back to the issue of the appraisal. It looks like that, I think. from Scott Jenkins, but he said that he thought there had been an appraisal of six million dollars. Is that mistaken?

A Well I'm not saying whether it's mistaken or not. I won't comment on that. If there was an appraisal for six million, I don't recall that, but that seems to be a pretty good number and I would settle for 50

cents on that right now today.

Q I was not asserting that dogmatically, I just wanted to know if he was mistaken. Sounds like he might be. A I might be mistaken too, but I don't recall that number.

Q The appraisal that yielded the 2.6, who was that done by?

A Jim Collier.

Q He is somebody that has certain credentials to do those type of appraisals?

A. He is a licensed commercial

Appraiser.

MR. SCHAUFELBERGER: That's all I have.

REDIRECT EXAMINATION BY MR. JOHNSTON:

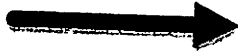
Q Just to clarify, you have testified about the only appraisals of which you have any knowledge, and that did not include an appraisal of six million dollars by anyone that you are aware of: is that correct?

A I do not recall that appraisal of six million dollars.

This Court has jurisdiction over any fraud upon a Federal Agency, and if the defendants deny the existence of a 6 million dollar appraisal, they committed a fraud upon the SBA when they submitted a 7 million dollar appraisal in the Fall of 2006. When made aware of allegations regarding a fraud upon the Fayette County Court regarding the Appraisal, Judge Mchaney refused to address it. Judge Mchaney refused to determine if a fraud took place in his Court over something so significant to the Case. The denial of an existence of a 6 million dollar appraisal, the Bank submitting an Appraisal they deny existed in my Fayette County Court to the SBA, constitutes a fraud on the SBA which this Court should assume jurisdiction. The fraud affected me because it was a three way written contract, the Bank, the SBA, and myself.

24.7. As participant Bank, the defendants would have entered into a written Contract which provides for 10 year enforcement by Illinois Statutes.

24.8. In the alternative, if the defendants state a 6 million dollar Appraisal exists to escape a Federal fraud charge, they must admit committing fraud and discovery violations on my Fayette Court by denying the existence, and failing to produce it in 3 Fayette County Case Discovery Requests including this Case.:



Collier Appraisers, Ltd.
Real Estate Appraisers and Consultants

228 West Main Street • Collinsville, Illinois 62234 • (618) 344-4811 • Fax (618) 344-4831
www.collierappraisers.com

July 25, 2006

Mr. William E. Chappel
President
First National Bank
432 West Gallatin Street
Post Office Box 40
Vandalia, Illinois 62471



RE: Summary Appraisal Report
Twisters
2417 Veterans Avenue
Vandalia, Illinois

Page Two
Mr. William E. Chappel
July 25, 2006

Upon a thorough investigation of the market and taking into consideration all factors which affect value, it is my opinion that the Market Values of the subject property are as follows:

Value "As Is" (June 23, 2006):

THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000)

Total Value Upon Completion (December 1, 2006):

SEVEN MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$7,450,000)

- 24.9. Intentional Fraud, destructing and hiding significant discovery regarding such a significant piece of evidence as a 7 million dollar Appraisal, is severe enough to warrant striking all the defense's pleadings from my Case. If a Party will lie and hide evidence, no Court can trust anything they say in person, or contained within their pleadings. This leaves the defendants with two options, admit they defrauded the SBA, or admit they defrauded the Fayette Court, either way all their pleadings should be rendered void.

- 24.10. The most recent discovered harm to me regarding their conduct with a Federal Agency is a result of the defendants claiming the SBA canceled the \$550,000 loan because I failed to complete 2 bowling lanes in my entertainment center. This constitutes a breach of their Contract with the SBA and me, by not requesting the \$550,000 of funds as required when I opened to the public, and defrauding me in believing the SBA canceled my Loan. This constitutes fraud upon me and the SBA by all the defendants, and I could not have been made aware until the COVID and my application of a second draw PPP Loan took place.

This Court is the proper venue to litigate issues regarding a Federal Agency.

Fraud upon this Court's Bankruptcy Division.

25. Fraud upon this Court's Bankruptcy Division by the defense.

- 25.1. Through fraud, the defendants obtained my entertainment center that they alleged to the SBA to be worth 7 million dollars based upon an appraisal they submitted, told the Fayette County Court it never existed, defrauded all the Bank stockholders and Vandalia Citizens by the City holding a Mortgage on my facility they were told by defendant Johnston was worthless, and it needed to be signed over to the defendant bank. Not only were my unsecured Creditors defrauded, so was this Court's Bankruptcy Division through my Wife's Chapter 7 Bankruptcy filing.
- 25.2. It's against banking law for a bank to assume an asset from a customer through a Deed in Lieu transaction with positive equity. The defendants at all times led my wife and I to believe their Deed in Lieu Offer was legal, attesting to my wife and I we had no equity in the facility, When in fact the Deed in Lieu Offer was illegal, because the Bank attested to the SBA there was over 5 million dollars of equity by submitting their 7 million dollar Appraisal with only a 1.6 million dollar mortgage.
- 25.3. My wife at that time had filed bankruptcy after the Bank defrauded her by claiming the Deed in Lieu legal and she had no equity in the facility. My at that time filed bankruptcy in this Court's bankruptcy division believing she had no assets exceeding asset limits allowed in order for her to obtain a Chapter 7 discharge. The Bank, through my wife's bankruptcy, defrauded all her

Bankruptcy Creditors, as well as this Court's Bankruptcy Division. I know this Court has jurisdiction over Bankruptcy issues since this Court determines appealed Bankruptcy Orders instead of the Chicago 7th Circuit Court.

- 25.4. I am also affected, and its relevant to this case by the defendants fraud upon this Court's Bankruptcy Court, because most of my wife's Creditors were mine. If my wife's Bankruptcy Trustee would have been aware of my wife having an interest in an asset the Bank was claiming to the SBA, by way of a 7 million dollar Appraisal showing over 5 million dollars in equity, the Bankruptcy Trustee would have reversed the Deed in Lieu transaction, and assumed control of my Wife's equity in the facility.
- 25.5. My wife's bankruptcy Trustee would have also learned about another large asset, a 1.4 million dollar Escrow being held by this Court's Bankruptcy division for the benefit of Jenkins Displays, which at the time my wife had an interest in. But like me, the defendants told my wife they had researched the 1.4 million dollar Escrow, and could assure her Jenkins Displays would never receive any of it, it was worthless, in fact they believed it to be so worthless they dismissed all their interest in it in June 2006. In another fraudulent Act, the defendant Bank had obtained information through the bankruptcy debtor's attorney illegally, and failed to inform me.
- 25.6. My Bankruptcy Attorney in charge of my escrow had been tricked, and this Court's Bankruptcy Division was defrauded by two of the Debtor's Attorneys in March 2006. The trickery and fraud was corrected by Judge Kenneth Meyers RIP of this Court changing his 2 year old March 2006 Order and awarding Jenkins Displays its 1.4 million dollar escrow. A Judge changing a 2 year old Order is unusual, can only be done so based upon the Court being defrauded.
- 25.7. They had been made aware of the trickery within a month after it was done, and only the defendants, the debtor, and the lawyer who committed the trickery knew. But there was also fraud contained within that Order. It would take 2 years before it was ever discovered by anyone else, including Judge Meyers and my Attorney representing my Corporation as a creditor in the bankruptcy Case. The trickery took place, but my Corporate Attorney made a mistake by failing to read the Order he believed to be the same as the supporting Motion. This is

not relevant to this pleading, but it does support a Motive, while not necessary, helps to support my allegations making it relevant in that regard.

- 25.8. This Court is the proper venue to litigate Federal Bankruptcy Law, specifically since the issues above occurred within this Court's Bankruptcy Division. These allegations are timely, since only through recent developments regarding my SBA COVID 2nd Draw PPP loan could these illegal acts have been discovered.

26. Current Fraud upon this Court's Bankruptcy Division by the defense.

- 26.1. Contained within proceedings regarding this Case the defense claims they negotiated with both my Corporate and personal Counsel, Effingham Attorney Roy Dent to prepare an Order for this Court's Judge Grandy to sign rendering my Case final and appealable. If true such an action would constitute a fraud upon this Court since Effingham Attorney Roy Dent has never filed a representation regarding this Case for either myself or my Corporation, has never filed within this Court's bankruptcy division or my Fayette County Court regarding this Case. Effingham Attorney Roy Dent has never represented my Corporation in any proceedings. If untrue, the defense has committed a fraud in this Case which now falls under the jurisdiction of this Court. Either way, this Court is the proper Court and has jurisdiction over the defense regarding this fraud. These allegations are current and timely since until recently my Case was stayed by my Appellate Court.

27. Defrauding the Federal Reserve.

- 27.1. When a Bank assumes any asset from a foreclosure action they put it on their books as OREO, Other Real Estate Owned, and it becomes subject to audit by Federal Reserve banking auditors. The Bank is required to support the value of the asset accurately by way of a supporting Appraisal accurately depicting the OREO asset. A bank can't use a warehouse appraisal to support an entertainment center, but that's exactly what the defendant bank did. This is relevant since it establishes a Motive in part for destruction of evidence, specifically the 7 million dollar appraisal they sent to the SBA just a few months before they lied to the Appraiser and the Federal Reserve by claiming it to be a Warehouse.

- 27.2. The Bank knew they would be committing fraud by doing a deed in lieu with 5 million dollars of appraised equity, and the Auditors would not approve of the bank assuming a 7 million dollar appraised asset by way of a deed in lieu in exchange and only discharging 1.6 million dollars of debt. The Bank would then have to do a normal foreclosure, at which time my Corporation would file Chapter 11, supported by a 1.4 million dollar escrow the same bankruptcy Court was holding. But it would also disclose information defendant Johnston and Chappel didn't want the Bank's Board to be aware of, and that was in March 6th of 2006, Johnston and Chappel defendants in this Case, signed away all the Bank's interest in the 1.4 million dollar escrow they believed to be worthless by way of a breach of confidentiality by the debtor's attorney. Again, while not relevant as a wrong in my Case, it does establish a motive for committing a wrong, which led to more wrongs needed as cover ups.
- 27.3. Within weeks of acquiring my 7 million dollar facility, according to their own appraisal they submitted as accurate to the SBA, they called the same Appraiser and told him they needed my facility appraised as a warehouse instead of an entertainment center. He was told there was no need to come to the facility, it was now a warehouse and no longer an entertainment center. By lying to the appraiser the defendants committed the crime of equity stripping. Defrauding the Federal Reserve auditors by alleging they did a Deed in Lieu on a 1.3 million dollar warehouse. This equals over 5 million dollars in Equity stripping fraud by reducing an asset appraised at over 7 million dollars down to 1.3 million. This Court is the proper venue to litigate Federal Banking Law.

28. Other Matters.

- 28.1. Filing anything in my County Court will put me in contempt within my Fayette County Court, since I'm under a direct May 2020 Order by Judge Mchaney prohibiting me from e-filing in my Case. I am unable to provide all pleadings and court orders from my Fayette County Court as exhibits since I know it has been "hacked" and inaccurate. It would be wrong for me to submit a hacked Record as exhibits to this Court.
- 28.2. I have proven through extensive evidence, not only as stated above, but in further details before

both this Court's Judge Beatty and my Attorney General Agent adversary in that Case, Defense Attorney Victoria Fuller, which should provide sufficient support that the Record must first be rendered accurate before I can submit it as an attachment to this pleading. Illinois Law places that burden on my Fayette County Court, not me, to maintain and provide accurate Case Records. Neither my Fayette County Court's Attorney, or Judge Beatty has challenged my allegations or evidence in the Case regarding my Fayette County Court to not possess an Accurate Record in this Case.

28.3. It would be wrong and contradictory for me to file a Case Record in this Court at the same time alleging to this Court my Case Record inaccurate. First and foremost, all Record issues need to be resolved.

28.4. Although two different 2200 page Appellate Appeal Records exist in PDF form, I am not allowed to e-file it in this Court, but to print 4400 pages of Certified Record documents as exhibits would not only be expensive, 4400 pages would need to be physically delivered to this Court's Clerk for manual scanning into this Court's Pacer system. This doesn't even include me producing my Appellate Court's Record pleadings. I request this Court to allow me to e-file it, or forward all the Case Records to this Court's Clerk in PDF format.

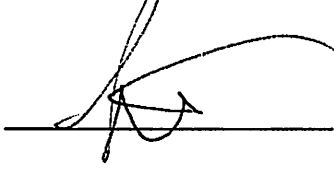
Summary.

My Complaint includes claims arising under the Constitution and raises claims pursuant to 42 U.S.C. § 1983. It also involves Federal Agencies, Federal Laws, this Court is best suited for. This Court also possesses supplemental jurisdiction over any remaining state law claims. See 28 U.S.C. § 1367.

The above has not been before this Court before, or has resulted through newly discovered evidence unavailable or could not have been known before now. Evidence which only surfaced when I filed my State Appeal and applied for my 2nd draw PPP Loan due to the COVID epidemic.

THEREFORE, I Plaintiff Scott Jenkins pro se respectfully requests and admonishes this Court to assume jurisdiction over my Complaint herein as provided by law, and that further proceedings in the Fayette County Circuit Court regarding the action be stayed, if possible. I will also file a request with my Chief Judge for the same. I further demand that the trial of this matter within this court be heard by a jury.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'S. Jenkins', written over a horizontal line.

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